

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.
: :
LEHMAN BROTHERS HOLDINGS INC., *et al.* : 08-13555 (SCC)
: :
Debtors. : (Jointly Administered)
: :
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LEHMAN BROTHERS HOLDINGS INC., on :
behalf of itself and as assignee of LEHMAN :
BROTHERS INC., :
: Plaintiff, :
: :
-against- :
: :
EARTH THEBAULT INC., : Adv. Proc. No.
: : 10-03558 (SCC)
Defendant. :
: :
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STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO COMPLAINT

Lehman Brothers Holdings Inc. (“LBHI”) on behalf of itself and as assignee of Lehman Brothers Inc., on the one hand, and Earth Thebault Inc. (the “Defendant”), on the other hand, respectfully submit this Stipulation and Order Extending Time to Respond to Complaint, and in support thereof, state as follows:

WHEREAS, on September 15, 2010, LBHI commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) by filing a complaint (the “Complaint”) against the Defendant.

WHEREAS, on September 22, 2010, the Clerk of the Court issued the Summons and Notice of Pretrial Conference In An Adversary Proceeding (the “Summons”) setting a response

date for the Defendants to serve a responsive pleading or an answer to the Complaint under Fed. R. Bankr. P. 7012 within 30 days from the date of the Summons.

WHEREAS, pursuant to a series of orders, dated October 20, 2010, June 16, 2011, January 11, 2012, July 18, 2012, January 17, 2013, February 15, 2013, July 18, 2013, January 15, 2014, and January 31, 2014 [Case No. 08-13555; ECF Nos. 12199, 17763, 24198, 29506, 33970, 34697, 38806, 42081, 42417], the Court stayed the Adversary Proceeding until thirty (30) days after the date on which the Court enters a scheduling order in the action captioned *Lehman Brothers Special Financing Inc. v. Bank of America National Association, et al.*, Adv. Proc. No. 10-03547 (SCC) (the “Stay Expiration Date”).

WHEREAS, pursuant to the *Order Extending Stay of Avoidance Actions and Granting Certain Related Relief Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 7004(a)(1)*, dated January 31, 2014 [ECF No. 42417], the Defendant is required to answer or otherwise respond to the Complaint by July 5, 2014.

WHEREAS, the Court has not yet entered a scheduling order in the action captioned *Lehman Brothers Special Financing Inc. v. Bank of America National Association, et al.*, Adv. Proc. No. 10-03547 (SCC).

WHEREAS, LBHI and the Defendant did not intend that the Defendant would have to answer or otherwise respond to the Complaint prior to the Stay Expiration Date.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Defendant and LBHI that the Defendant shall have until fourteen (14) days after the Stay Expiration Date to answer or otherwise respond to the Complaint. For the avoidance of doubt, nothing contained herein shall prejudice the right of LBHI and the Defendant to request further extensions of the deadline to respond to the Complaint. When so-ordered by the Court, this

stipulation shall constitute both an agreement between the parties and an order of the Court.

Dated: June 26, 2014
New York, New York

/s/ David M. Bass
David M. Bass
Cole, Schotz, Meisel, Forman & Leonard,
P.A.
900 Third Avenue, 16th Floor
New York, NY 10022-4628
Telephone: (646) 563-8932

Attorneys for EMortgage Logic LLC

/s/ Jacqueline Marcus
Jacqueline Marcus
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000

Attorneys for Lehman Brothers Holdings Inc.
and Certain of Its Affiliates

IT IS SO-ORDERED:

June 30, 2014
New York, New York

/s/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE